

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**FRANCISCO X. FERNANDEZ,**

\*

**Plaintiff,**

\*

**v.**

\*

**C.A. No. 05-265-SLR**

**ALBERTO GONZALES,**

\*

**UNITED STATES ATTORNEY GENERAL,**

\*

**TRIAL BY JURY REQUESTED**

**Defendant.**

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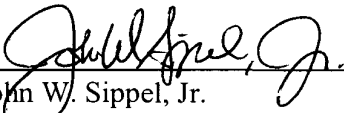
**DEFENDANT’S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER  
AND RESPONSE TO PLAINTIFF’S MOTION FOR CHANGE OF VENUE**

Alberto Gonzales, United States Attorney General, defendant herein, by his attorneys, Rod J. Rosenstein, United States Attorney for the District of Maryland, and John W. Sippel, Jr., Assistant United States Attorney for said District, hereby moves to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(3) for improper venue or, in the alternative, to have Plaintiff’s action transferred to the United States District Court for the Eastern District of Virginia. In addition, Plaintiff’s Motion for Change of Venue requesting that his action be transferred to the Southern District of Florida should be denied because venue is not proper in that District. Defendant’s Opening Brief in Support of this Motion is filed contemporaneously herewith.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney for the District of Maryland

Date: November 10, 2005

By:   
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